

---

**TITLE 326 AIR POLLUTION CONTROL BOARD**

**Final Rule**

LSA Document #09-477(F)

**DIGEST**

Amends [326 IAC 1-2-48](#) by revising the definition of volatile organic compounds (VOCs) to include exclusions for dimethyl carbonate and propylene carbonate. Effective 30 days after filing with the Publisher.

**HISTORY**

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#) and Notice of Hearing: July 1, 2009, Indiana Register (DIN: [20090701-IR-326090477FDA](#)).

Notice of First Hearing: July 1, 2009, Indiana Register (DIN: [20090701-IR-326090477PHA](#)).

Date of First Hearing: September 2, 2009.

**[326 IAC 1-2-48](#)**

SECTION 1. [326 IAC 1-2-48](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 1-2-48](#) "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" defined**

**Authority:** [IC 13-14-8](#); [IC 13-17-3-4](#)

**Affected:** [IC 13-17-3-14](#)

Sec. 48. (a) "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" refers to the list of organic compounds that have been determined to have negligible photochemical reactivity and are thereby excluded from the definition of volatile organic compounds (VOC) as follows:

(1) 40 CFR 51.100(s)(1)\*, **as amended at 74 FR 3437, January 21, 2009\***.

(2) 40 CFR 51.100(s)(5)\*.

(3) 40 CFR 51.100(s)(2)\*, as measured by [326 IAC 8-1-4](#) and approved by the commissioner, subject to conditions under 40 CFR 51.100(s)(3) through 40 CFR 51.100(s)(4)\*.

(b) Compliance calculations for coatings expressed as pounds VOC/gallon coating (less water) should treat nonphotochemically reactive compounds or negligibly photochemically reactive compounds as water for purposes of calculating the less water portion of the coating composition.

\*These documents are incorporated by reference. Copies referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 1-2-48](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2373; filed Sep 23, 1988, 11:59 a.m.: 12 IR 255; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2827; filed Sep 5, 1995, 12:00 p.m.: 19 IR 29; filed May 13, 1996, 5:00 p.m.: 19 IR 2855; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116; filed Jun 9, 2000, 10:01 a.m.: 23 IR 2704; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Oct 20, 2005, 1:30 p.m.: 29 IR 796; filed Apr 26, 2007, 9:38 a.m.: [20070523-IR-326060412FRA](#); filed Jan 6, 2010, 4:07 p.m.: [20100203-IR-326090477FRA](#))

LSA Document #09-477(F)

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): [20090701-IR-326090477FDA](#)

Hearing Held: September 2, 2009

Approved by Attorney General: November 23, 2009

Approved by Governor: January 5, 2010

Filed with Publisher: January 6, 2010, 4:07 p.m.

Documents Incorporated by Reference: 74 FR 3437, January 21, 2009

Small Business Regulatory Coordinator: Alison Surface, IDEM Compliance and Technical Assistance Program -

OPPTA, MC 60-04 IGCS W041, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 232-8172 or (800) 988-7901, [ctap@idem.in.gov](mailto:ctap@idem.in.gov)

Small Business Assistance Program Ombudsman: Brad Baughn, IDEM Small Business Assistance Program Ombudsman, MC 50-01 IGCN 1307, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 234-3386, [bbaughn@idem.in.gov](mailto:bbaughn@idem.in.gov)

Posted: 02/03/2010 by Legislative Services Agency

An [html](#) version of this document.